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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

AARON JAMES and TIFFANY JAMES,
Heirs and Personal Representatives of the Estate
of Zane James,

Plaintiffs,

vs.

CASEY DAVIES and COTTONWOOD
HEIGHTS,

Defendants.

**NOTICE OF SUPPLEMENTAL
AUTHORITY
DUCivR 7-1(b)(4)**

Case No. 2:19-cv-00341

Judge Howard C. Nielson, Jr.
Magistrate Judge Dustin B. Pead

Plaintiffs Aaron and Tiffany James, through counsel and in accordance with DUCivR 7-1(b)(4), hereby provide notice of the following supplemental authorities in advance of the July 7, 2021 hearing on *Garrity* issues:

The following United States Supreme Court and Northern District of Oklahoma authorities concern the use of immunized testimony in civil cases, which relates to arguments in

Plaintiff's supporting memorandum at pages 3-5, and in Defendant's reply memorandum at pages 5-6.

1. *U.S. v. Apfelbaum*, 445 U.S. 115, 125 (1980)

"This Court has never held, however, that the Fifth Amendment requires immunity statutes to preclude all uses of immunized testimony. Such a requirement would be inconsistent with the principle that the privilege does not extend to consequences of a noncriminal nature, such as threats of liability in civil suits, disgrace in the community, or the loss of employment."

2. *U.S. v. Sutton*, 1983 WL 1121, *3 (N.D. Okl.)

"It is also clear from *Kastigar* the immunized incriminating testimony can be used in a subsequent civil proceeding although obviously not in a subsequent criminal proceeding."

DATED: July 6, 2021

/s/ Sam Meziani
Attorney for Plaintiffs